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# COASTAL STATES ORGANIZATION

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*By Fax*

November 1, 2004

Interagency Ocean Policy Group  
White House Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

Re: Public Comment on Final Report of the US Commission on Ocean Policy ("Final Report")

Dear Sir / Madam:

I am submitting the following comments on behalf of the Coastal States Organization (CSO.) Since 1970, CSO has represented the interests of the Governors of the nation's thirty-five coastal states and territories, including the Great Lakes states, on issues relating to the sound management and development of coastal and ocean resources. CSO acknowledges and greatly appreciates the recognition voiced by the Administration and the Council on Environmental Quality regarding the important role of states and Governors in developing a national coastal and ocean policy. As noted in the Report, *"the federal government is only one actor - and often not the most important actor - at regional, state and local levels."*

The states are on the front line of coastal and ocean issues. As such, the states strongly support changes made to the Final Report that clarify and strengthen the role of states and territories on coastal and ocean management - particularly with regard to regional governance and assessments. Future regional efforts should build on current state and regional activities and not divert funding from these programs.

The states unanimously support the national "call to action" outlined in the Final Report and the Report's call for leadership from the Administration to work with all levels of government, private, and public sectors in a concerted effort to address current and emerging ocean and coastal challenges. In fact, the Governors have heeded this call to action and are leading by example through new initiatives and coordinating activities aimed at addressing the Final Report's recommendations.

CSO is eager to work with the Administration and Congress to fulfill the Final Report's blueprint for future ocean and coastal management. We look forward to the Administration's response. While Congressional action will be needed to implement a number of recommendations, many actions can and should be taken now by the Administration to coordinate and integrate federal agency coastal and ocean programs and to support state and local initiatives utilizing existing authorities.



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CSO submits the following summary of Governors' comments and recommendations to assist in preparing the Administration's response. The Interagency Ocean Policy Group is also respectfully referred to CSO's comments on the Preliminary Report and the individual Governors for more detailed statements and recommendations regarding their priorities and specific recommendations. Given the detailed recommendations of the Final Report, it is not possible to address all of its recommendations in these comments. The Administration is urged to provide opportunities for further state input and collaboration with the Governors in supporting implementation or other specific actions.

### **Summary of Comments and Recommendations from coastal state Governors**

#### **National and Regional Governance**

- *Adopt a national ocean policy to support ecosystem-based management:* States urge the Administration to take executive action and support Congressional action as needed, to direct all federal agencies to support a national coastal and ocean policy that includes, but is not limited to, the following:
  - (i) ecosystem-based management approaches to the extent possible under applicable law;
  - (ii) partnership with the states and implementation at the states and local level reflecting shared public trust and economic interests in coastal and ocean resources;
  - (iii) regional coordination among federal programs and supports efforts by states to address issues at a regional scale;
  - (iv) support for programs and activities that will result in ecologically and economically sustainable uses of ocean and coastal resources, incorporating a precautionary approach; and,
  - (v) adaptive management based on sound science, and
  - (vi) increased public stewardship and understanding of coastal and ocean resources.
- *Establish a lead federal agency for the U.S. EEZ:* Pending Congressional consideration of the reorganization proposals set out in the Final Report, the states urge the Administration to designate the National Oceanic Atmospheric Administration (NOAA) or other lead civilian agency to work with the Department of the Interior Minerals Management Service, the US Army Corps of Engineers, Environmental Protection Agency, other federal agencies, and the states to implement the national coastal and ocean policy, and to lead a comprehensive and coordinated regime for managing foreseeable and emerging uses of federal ocean waters in the EEZ (e.g. renewable energy and aquaculture.). It is important that such offshore management regime include specific mechanisms for integrating state interests, consultation with the states and seeking state review and consent for proposed actions or activities, including consistency review under the Coastal Zone Management Act.
- *Include states on national and regional councils:* The states recommend that they be included as essential partners and participants at the highest levels of national and regional ocean governance and policy reflecting their shared sovereign and public trust responsibilities. The Governors' role should not be limited to members of advisory committees with other stakeholders. Any national ocean council should focus on its core responsibilities to "provide high level attention to ocean and coastal issues...", and

"...develop and guide implementation of appropriate policies, and coordinate...." These councils should build on current state and regional efforts, resolve inter-agency conflicts and facilitate action on-the-ground. States already face too many inconsistent, and sometimes contradictory, federal agency mandates.

- *Support regional councils that build upon current state, regional, and federal efforts:* In supporting regional councils, the Administration should clarify that the principle role of the councils is to apply the collective resources and expertise of the federal agencies, together with states, stakeholders, and the private sector to address coastal and ocean resource issues that cannot be resolved on a state or local scale. Existing regional mechanisms such as the Great Lakes Commission, Gulf of Maine Council, Chesapeake Bay Program, Interstate River Basin Commissions, and National Estuary Programs provide frameworks for formation of regional councils

The Administration should direct federal agencies to work with states to establish regional councils to (i) address critical issues and resolve conflicts identified at the state and local level; (ii) strengthen existing regional and local efforts; (iii) work with the states to identify gaps, assess needs and eliminate duplication; (iv) enhance support for monitoring, assessment, research, and information to guide effective region-scale solutions and support ecosystem-based management. The scope and complexity of region-scale issues requires that regional councils be in addition to, and coordinate closely with, existing regional fishery management councils.

- *Assure consistency of federal infrastructure investment with coastal and ocean management plans:* Efforts to increase focus on ecosystem-based management will not be successful unless federal infrastructure programs and development incentive are consistent and the ecosystem-based with state coastal, watershed ocean and growth management plans as called for in the Report. For example, recommendations in the Final report would direct USDA to better align its conservation programs to reduce coastal nonpoint pollution, and reduce incentives for building in high hazards zones.

### **State Coastal, Great Lakes and Ocean Management**

- *Support reauthorization of the Coastal Zone Management Act:* Coastal states strongly urges the Administration to support the Final Report's recommendations calling for reauthorization of the Coastal Zone Management Act (CZMA), including
  - increasing the level for funding for CZM grants for all eligible states and raising the current cap on administrative grants;
  - provide incentives to address significant issues in coastal watersheds;
  - support for undertaking state coastal resources assessments, monitoring and performance indicators;
  - coastal and estuarine land conservation grants;
  - coastal restoration and community assistance grants (see e.g. the Great Lake restoration grants program) to provide community assistance on a watershed basis to address hazards, land use and growth management
- *Support state and regional ocean plans under the CZMA:* The Coastal Zone Management Act (CZMA) currently provides states with authority to develop ocean and Great Lakes

management plans, as a part of their overall coastal zone management plans or programs. Coastal states urge that the Administration's CZMA reauthorization recommendations include additional support for states (i) to develop such plans consistent with the national coastal and ocean policy, (ii) to participate in regional ocean councils; and (iii) to support implementation of regional ecosystem projects on an ongoing and / or pilot basis. This approach will assure support the development of regional ocean management efforts from that reflects a bottom-up, rather than the top down approach.

- *Support efforts to reduce coastal nonpoint pollution:* It is important that funding continue to be provided and, if possible, increased for grants to states to implement coastal nonpoint pollution control programs. NOAA, EPA and the states should continue to work cooperatively to increase effectiveness and focus on efforts to reduce coastal nonpoint pollution to prevent degradation of currently healthy, as well as restoration of impaired watersheds. Given its other commitments, EPA has not made coastal nonpoint pollution a priority issues. There is currently no consensus on either amending the Clean Water Act or moving the coastal nonpoint program under Sec. 6217 of CZARA to EPA. The important task of addressing the pressing problem of coastal nonpoint pollution should not be held hostage to interagency reorganization. Section 6217 should be amended to eliminate counterproductive penalties and to clarify that states have flexibility to implement targeted issues of concern and address priority areas.
- *Increase integration of coastal management, watershed protection and water quality programs:* The Administration should direct the federal agencies to increase support for watershed efforts and coordination of water quality programs with a particular focus on downstream impacts on coastal and estuarine waters. These include EPA's point-source and storm water programs; the NOAA/EPA coastal nonpoint pollution control programs; USGS, NOAA and EPA coastal water quality monitoring activities; and Corps of Engineers' sediment management. In addition, the Administration should work with states and the Department of Agriculture to increase the effectiveness of DOA conservation programs in reducing coastal pollution and loss of vital habitats. There is also a need for increased focus on reducing air deposition which in some areas contributes between 30 and 50 percent of the pollutant loading in coastal and estuarine waters. These efforts should provide particular attention to reducing nutrient loading in coastal waters, reducing hypoxic zones and the outbreak of harmful algal blooms.
- *Coral Reefs and Miscellaneous Issues:* The Administration should call for the reauthorization of specific programs to protect coral reefs and to protect coastal resources from emerging threats such as aquatic invasive species, air deposition, and vessel pollution. These efforts should be strengthened and deserve more support. It has been suggested that EPA water quality programs and standards be amended to consider water quality limits that are adequate to protect fragile ecosystems such as corals, as well as impacts on human health. The Administration should commit to working with Congress should work closely with states and include appropriate recommendations in reauthorization of the Coral Reef Protection Act, National Aquatic Invasive Species Act and other relevant legislation to support state and regional plans and implementation of local action strategies.

- **National Coastal Hazards and Shoreline Management Policy:** The Administration should support development of an integrated National Coastal Hazards and Shoreline Management Strategy. The Strategy should:
  - (i) coordinate efforts of the Corps, FEMA, NOAA, NRCS and other appropriate agencies and be designed to improve management of sediments, dredged material and erosion, and to reduce risk from coastal hazards;
  - (ii) include a uniform definition of shoreline;
  - (iii) provide a specific commitment to map the near shore and coastal floodplains;
  - (iv) support regional sediment and dredged material management on a system-wide basis;
  - (v) support programs that enhance the storm protection and recreational benefits of beaches, wetlands as well as other natural features; and
  - (vi) reduce incentives for development in high hazard areas and provide increased assistance for hazards mitigation plans and relocation of at-risk property

### **Coastal and Ocean Management Funding**

- **Establish a Coastal and Ocean Trust Fund:** The Administration should call on Congress to enact a Coastal and Ocean Trust Fund to provide sustained and dedicated funding to the states for conservation of coastal and oceans including fish and wildlife, historic, cultural, land and water resources, and reduction of impacts of development on the outer continental shelf (OCS) and other ocean activities. Priorities for investment should be identified at the state and regional level. Funding should include a fair return to states and territories of OCS revenues and other revenues generated from use of coastal and ocean resources.
- **Support state coastal and ocean programs:** Although there is broad support for establishing long-term ocean trust fund, we should not wait until Congress acts on this proposal. As noted in the Final Report, we need to begin taking action now. We urge the Administration to recommend that Congress provide appropriate levels of funding support in FY05 and FY06 to continue key coastal and ocean management, research, monitoring and science programs.

These include but are not limited to programs under the Coastal Zone Management Act, including the National Estuarine Research Reserves; NOAA's coastal nonpoint pollution control grants, National Estuary Programs, EPA non-point, beaches and other coastal water pollution control programs; Coral Reef and protection of other sensitive areas; State and Regional Fisheries Management Commissions under the Magnuson-Stevens Marine Fisheries Conservation Act and, other regional coastal and ocean management efforts around the country. (See e.g. recommendations regarding CZMA reauthorization hereinabove.)

### **Science, Research and Information**

- **Develop a National Coastal and Ocean Assessment System to enhance understanding of coastal economies, communities and coastal ecosystems and support management decisions:** Given the enormous value of coastal and ocean resources to the nation's economy, the Administration should direct the federal agencies to work with the states to establish an ongoing coastal and ocean ecosystem and socio-economic assessment system. The data and information generated by these the socio-economic and ecosystem assessments be at regional, state and local scale that is relevant and in a form that is accessible to state and local coastal management decision-makers and other users.

The Administration should work with federal agencies to implement a national ecosystem-based coastal assessment, research and observation system called for in the Report. The system should include monitoring, mapping, research and information programs and integrated coastal and ocean observation systems. The socio-economic system should include a standardized national reporting system for measuring and reporting among states and across regions that enables us to measure the value of these coastal and ocean resources to the nation, including recreational, social and natural resources values, and the values of people and communities who rely on those resources. This will provide the information needed to make the most effective and efficient management and investments decisions.

- *Increase federal commitment to coastal mapping and making data and information readily available to managers:* The Administration should support the development of regional information programs in partnership with the states, and the development of regional ecosystem assessments. The regional program should be integrated with other science and research strategies, including the coastal water quality monitoring network, and assessment, mapping and charting activities, including an explicit commitment to map the near shore and coastal zone within a time. Regional information programs should include state representatives, and support an enhanced role for Sea Grant, as well as other marine lab, academic and nongovernmental and private sector institutions. Product development, dissemination, and user feedback must be integral component of the program. In addition, a specific mechanism should be provided to assure regular feedback and survey of state manager and other user group's needs.

We appreciate the opportunity to submit comments and look forward to working with the Administration and Congress to take the steps in the short, medium and long terms that will be necessary to address the challenges identified in the Final Report.

If you have any questions or CSO can be of further assistance please call at 202-508-3860.

Sincerely,



Tony MacDonald

cc: James Connaughton, Chair, CEQ